

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

AUG 25 2006

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY BS DEPUTY

ALTON R. AMES,

Petitioner,

vs.

DAVID PARKER, Warden,

Respondent.

No. CIV-06-603-W

ORDER

On July 24, 2006, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in his matter and recommended that the Petition for Writ of Habeas Corpus ("Petition") filed by petitioner Alton R. Ames be dismissed. Ames was advised that he had the right to object, and the matter now comes before the Court on Ames' Objections to the Magistrate Judge's Report and Recommendation.

Upon de novo review of the record, the Court concurs with Magistrate Judge Purcell's findings and recommendations. Dismissal for the reason stated by respondent David Parker, Warden, is not warranted, but dismissal for lack of jurisdiction for the reasons stated by Magistrate Judge Purcell is required. E.g., Lackawanna County District Attorney v. Coss, 532 U.S. 394 (2001).

Accordingly, the Court

(1) ADOPTS the Report and Recommendation issued on July 24, 2006;

(2) DENIES the respondent's Motion to Dismiss Petition for Habeas Corpus filed on July 11, 2006; and

(3) DISMISSES Ames' Petition file-stamped June 2, 2006.

ENTERED this 25th day of August, 2006.


LEE R. WEST
UNITED STATES DISTRICT JUDGE